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OFFICE OF PETITIONS

In re Patent No. 6,908,623

Issue Date: June 21, 2005

Application No. 10/717,251

Filed: November 19, 2003

Attorney Docket No. PSU1813CON(2)

: DECISION ON PETITION

: UNDER 37 CFR 1.78(a)(3)

:

:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 21, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 08/810,275, filed March 3, 1997.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Application no. 10/171,251 which was filed after November 29, 2000, matured into Patent No. 6,908,623 on June 21, 2005. The claim for the benefit of priority to a prior-filed nonprovisional application was submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition does not comply with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has not been included in a certificate of correction and (2), the certificate of

correction fee has not been submitted. Thus, the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application does not satisfy the conditions of 37 CFR 1.78(a)(3).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and a certificate of correction and appropriate fee will need to be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Anthony Knight
Supervisor
Office of Petitions



6/25/kf

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel R. Deaver, David A. Edwards, and Robert S. Langer

Reissue of: U.S. Patent No. 6,908,623 Express Mail No: EM 104577233 US

Filed: June 21, 2007 Date of Deposit: June 21, 2007

For: COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION

RECEIVED

JUN 29 2007

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM

Sir:

Applicant hereby petitions the Commissioner to accept the unintentionally delayed priority claim described herein. An amendment to the specification to include the complete priority claim and an Application Data Sheet, which includes the complete priority claim, are included with this petition.

The application as originally filed provided an incomplete priority claim, inadvertently omitting that the original application was also a continuation-in-part of U.S. Serial No.08/810,275 filed on March 3, 1997 (now U.S. Patent No. 5,985,320, issued

06/26/2007 HMANLII 032000075 503129 10717251
91 10:1454 137.00 VA

Reissue of U.S. Patent No. 6,908,623

Filed: June 21, 2007

PETITION UNDER 37 C.F.R. 1.78(a)(3)

TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM

November 16, 1999), which claims priority to U.S. provisional application Serial No. 60/012,721 filed March 4, 1996.

The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(t) of \$1,370.00 to Deposit Account No. 50-3129.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,


Rivka D. Monheit

Reg. No. 48,731

Date: June 21, 2007

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(404) 879-2160 (Fax)



US006908623B2

(12) **United States Patent**
Deaver et al.

(10) Patent No.: **US 6,908,623 B2**
(45) Date of Patent: *Jun. 21, 2005

(54) **COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION**

5,258,499 A 11/1993 Knoigsberg et al.
5,766,620 A 6/1998 Heiber et al.
5,985,320 A 11/1999 Edwards et al. 424/450
6,652,873 B2 11/2003 Deaver et al. 424/423

(75) Inventors: Daniel R. Deaver, Franklin, MA (US); David A. Edwards, Boston, MA (US)

FOREIGN PATENT DOCUMENTS

GB 1090492 A 11/1967
WO WO 92/1037 A2 7/1992
WO WO 94/00155 A1 1/1994
WO WO 97/32572 A2 9/1997

(73) Assignee: The Penn State Research Foundation, University Park, PA (US)

OTHER PUBLICATIONS

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

Barzu, et al., "Endothelial binding sites for heparin. Specificity and role in heparin neutralization," *Biochem. J.* 238(3):847-54 (1996).

This patent is subject to a terminal disclaimer.

Deaver, et al., "Effects of domperidone and thyrotropin-releasing hormone on secretion of luteinizing hormone and prolactin during the luteal phase and following induction of luteal regression in sheep," *Domes. Anim. Endocrinol.* 4(2):95-102 (1987).

(21) Appl. No.: 10/717,251

Edwards, et al., "Spontaneous vesicle formation at lipid bilayer membranes," *Biophys. J.* 71(3):1208-14 (1996).

(22) Filed: Nov. 19, 2003

(Continued)

(65) Prior Publication Data

US 2004/0106542 A1 Jun. 3, 2004

Primary Examiner—Carlos A. Azpuru
(74) Attorney, Agent, or Firm—Pabst Patent Group LLP

(63) Continuation of application No. 10/120,940, filed on Apr. 10, 2002, now Pat. No. 6,652,873, which is a continuation of application No. 09/412,821, filed on Oct. 5, 1999, now Pat. No. 6,387,390.
(60) Provisional application No. 60/103,117, filed on Oct. 5, 1998.
(51) Int. Cl. 7 A61F 2/02; A61F 13/02;
A61K 9/48; A61K 9/20; A61K 9/14
(52) U.S. Cl. 424/423; 424/434; 424/435;
424/451; 424/464; 424/489
(58) Field of Search 424/423, 434,
424/435, 451, 464, 489

(57) ABSTRACT

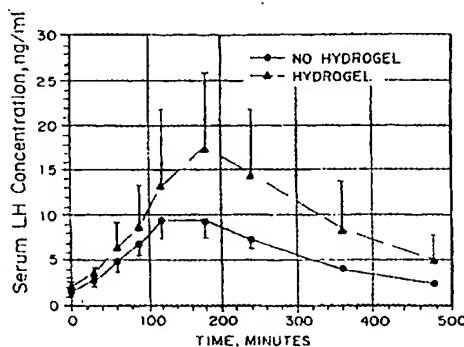
(56) References Cited

Compositions and methods for improving cellular internalization of one or more compounds are disclosed. The compositions include a compound to be delivered and a biocompatible viscous material, such as a hydrogel, lipogel, or highly viscous sol. The composition also include, or are administered in conjunction with, an enhancer in an amount effective to maximize expression of or binding to receptors and enhance RME of the compound into the cells. This leads to high transport rates of compounds to be delivered across cell membranes, facilitating more efficient delivery of drugs and diagnostic agents. Compositions are applied topically orally, nasally, vaginally, rectally, and ocularly. The enhancer is administered with the composition or separately, either systemically or preferably locally. The compound to be delivered can also be the enhancer.

U.S. PATENT DOCUMENTS

16 Claims, 5 Drawing Sheets

4,013,792 A 3/1977 Eichman et al.
4,383,993 A 5/1983 Bussain et al.
4,810,503 A 3/1989 Carson et al.



Continuation of U.S.S.N. 10/120,940
Filed: November 19, 2003
PRELIMINARY AMENDMENT
Express Mail Label No EL 717 747 255 US
Date of Deposit: November 19, 2003

In the specification

On page 1, please amend the paragraph at lines 5-6 as follows:

Priority is claimed. This application is a continuation of U.S. Serial No. 10/120,940, filed April 10, 2002, which is a continuation of U.S. Serial No. 09/412,821, filed October 5, 1999 (now U.S. Patent No. 6,387,390), which claims priority to U.S. provisional application Serial No. 60/103,117, filed October 5, 1998.



US 20040106542A1

(19) United States

(12) Patent Application Publication
Deaver et al.

(10) Pub. No.: US 2004/0106542 A1
(43) Pub. Date: Jun. 3, 2004

(54) COMPOSITIONS AND METHODS FOR
ENHANCING RECEPTOR-MEDIATED
CELLULAR INTERNALIZATION

(60) Provisional application No. 60/103,117, filed on Oct.
5, 1998.

(75) Inventors: Daniel R. Deaver, Franklin, MA (US);
David A. Edwards, Boston, MA (US)

(51) Int. Cl.⁷ A61K 38/23; A61K 48/00;
A61K 31/573; A61K 31/715;
A61K 31/56

Correspondence Address:

(52) U.S. Cl. 514/2; 514/44; 514/54; 514/179

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(57) ABSTRACT

(73) Assignee: The Penn State Research Foundation

Compositions and methods for improving cellular internalization of one or more compounds are disclosed. The compositions include a compound to be delivered and a biocompatible viscous material, such as a hydrogel, lipogel, or highly viscous sol. The composition also include, or are administered in conjunction with, an enhancer in an amount effective to maximize expression of or binding to receptors and enhance RME of the compound into the cells. This leads to high transport rates of compounds to be delivered across cell membranes, facilitating more efficient delivery of drugs and diagnostic agents. Compositions are applied topically orally, nasally, vaginally, rectally, and ocularly. The enhancer is administered with the composition or separately, either systemically or preferably locally. The compound to be delivered can also be the enhancer.

(21) Appl. No.: 10/717,251

(22) Filed: Nov. 19, 2003

Related U.S. Application Data

(63) Continuation of application No. 10/120,940, filed on Apr. 10, 2002, now Pat. No. 6,652,873, which is a continuation of application No. 09/412,821, filed on Oct. 5, 1999, now Pat. No. 6,387,390.

Continuity/Reexam Information for 10/717251

Parent Data

10717251, filed 11/19/2003

is a continuation of 10120940, filed 04/10/2002

Which is a continuation of 09412821, filed 10/05/1999

Which Claims Priority from Provisional Application 60103117, filed 10/05/1998

Child Data

11154067, filed on 06/14/2005 is a continuation of 10717251, filed on 11/19/2003

11821514, filed on 06/21/2007 is a reissue of 10717251, filed on 11/19/2003

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Application Number Information

Application Number: **10/717251**

Assignments

Filing or 371(c) Date: **11/19/2003** eDan

Effective Date: **11/19/2003**

Application Received: **11/20/2003**

Pat. Num./Pub. Num: **6908623/20040106542**

Issue Date: **06/21/2005**

Date of Abandonment: **00/00/0000**

Attorney Docket Number: **PSU 1813 CON
(2)**

Status: **150 /PATENTED CASE**

Confirmation Number: **7737**

Examiner Number: **66935 / AZPURU, CARLOS**

Group Art Unit: **1615** **IFW Madras**

Class/Subclass: **424/453.000**

Lost Case: **NO**

Interférence Number:

Unmatched Petition: **NO**

L&R Code: Secrecy Code: **1**

Third Level Review: **NO**

Secrecy Order: **NO**

Status Date: **06/01/2005**

Oral Hearing: **NO**

Title of Invention: **COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION**

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